

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

1) SAMMI HIGGINS,)	
)	
Plaintiff,)	
)	
-vs-)	No.16-cv-00564-CVE-TLW
)	
1) TAYLOR SIERRA PHILLIPS, an)	Formerly Rogers County
Individual;)	Case No. CJ-2014-290
2) THOMAS CALDWELL, an)	
Individual; and)	
3) LAUREN BEAVER, an Individual; and))	
4) PHILADELPHIA INDEMNITY)	
INSURANCE COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

1. Philadelphia Indemnity Insurance Company ("Philadelphia") is a Defendant in a civil action brought against it in the District Court of Rogers County, State of Oklahoma, styled *Sammi Higgins v. Philadelphia Indemnity Insurance Company*, Case No. CJ-2014-290.

2. True, correct and legible copies of Plaintiff's Amended Petition and the state court docket sheet are attached as Exhibits 1 and 2, respectively. Other pleadings filed to date are as follows:

- Petition;
- Entry of Appearance for D. Wade Christensen;
- Entry of Appearance for Lisa M. Molsbee;
- Motion for Intervention by CompSource Oklahoma and Supporting Brief;

- Plaintiff's Response to Motion for Intervention by CompSource Oklahoma Opposing Intervention or, in the Alternative, Moving to Sever and Brief in Support;
- CompSource Oklahoma's Reply to Plaintiff's Objection to its Motion for Intervention;
- Amended Certificate of Service;
- Return of Service on Taylor Sierra Phillips;
- Entry of Appearance for Whitney M. Eschenheimer;
- First Unopposed Application for Extension of Time to Serve Defendants;
- Answer of Taylor Sierra Phillips;
- Order Granting First Unopposed Application for Extension of Time to Serve Defendant;
- Special Appearance of Defendant, Thomas Caldwell and Reservation of Time to Further Plead;
- Application for Order Authorizing Service of Summons by Publication;
- Order Authorizing Service by Publication;
- Service of Summons by Publication Notice for Lauren Beaver;
- Notice of Change of Address for Johnson & Jones, P.C.;
- Answer of Defendant Thomas Caldwell;
- Answer of Defendant Lauren Beaver;
- Plaintiff's Motion for Scheduling Conference;
- Order for Scheduling Conference;
- Scheduling Order;

- Defendant Taylor Sierra Phillips' Motion for the Disclosure of Protected Health Information;
- Plaintiff, Sammi Higgins, Objection and Brief in Response to Defendant, Sierra Phillips' Motion for the Disclosure of Protected Health Information;
- Motion for Withdrawal as Attorney of Record by Gauri Nautiyal;
- Order Allowing Motion to Withdraw;
- Order Setting Hearing;
- Defendants Thomas Caldwell and Lauren Beaver's Response in Support of Defendant Taylor Sierra Phillips' Motion for the Disclosure of Protected Health Information;
- Order Authorizing Disclosure of Protected Health Information in the Form of a Qualified Protective Order;
- Defendant Phillips' Preliminary Witness and Exhibit List;
- Unopposed Application for Continuance of Scheduling Deadlines and Agreed Amended Scheduling Order;
- Agreed Amended Scheduling Order;
- Defendant Taylor Sierra Phillips' Motion for Partial Summary Judgment and Brief in Support;
- Order Setting Hearing;
- Plaintiff's Motion for Extension of Time to Respond to Defendant Taylor Sierra Phillips' Motion for Partial Summary Judgment;
- Order Granting Plaintiff's Motion for Extension of Time to Respond to Defendant Taylor Phillips' Motion for Partial Summary Judgment;
- Order Rescheduling Hearing;
- Plaintiff's Initial Designation of Expert Witness;
- Entry of Appearance for Whitney M. Eschenheimer;

- Defendant Phillips' Initial Designation of Expert Witnesses;
- Plaintiff's Response and Brief in Support Opposing Defendant Taylor Sierra Phillips' Motion for Partial Summary Judgment;
- Entry of Appearance for Adam W. Christensen;
- Defendant Taylor Sierra Phillips' Reply to Plaintiff's Response Opposing Defendant Phillips' Motion for Partial Summary Judgment;
- Second Amended Scheduling Order;
- Plaintiff's Unopposed Motion to Amend Petition and Add Party and Brief in Support;
- Order Allowing Plaintiff's Amended Petition;
- Dismissal With Prejudice by Intervenor;
- Dismissal With Prejudice as to Certain Defendants Only by Plaintiff;
- Return of Service on Philadelphia Indemnity Insurance Company;
- Entry of Appearance for D. Lynn Babb;
- Entry of Appearance for Amy Bradley-Waters;
- Reservation of Time

3. Plaintiff filed the state court action on July 10, 2014, in Rogers County, State of Oklahoma (Exhibit 3, Petition).

4. Plaintiff filed her Amended Petition on June 23, 2016, in Rogers County, State of Oklahoma (Exhibit 1, Amended Petition).

5. Philadelphia was served with Plaintiff's Amended Petition (Exhibit 1) and Summons on August 1, 2016.

6. In her Petition, Plaintiff alleges Philadelphia failed to adjust Plaintiff's claim fairly and in good faith.

6. The Plaintiff, Sammi Higgins, is a resident of the City of Pryor, Mayes County, Oklahoma.

7. Defendant Philadelphia is a foreign insurer whose principal place of business is located at Bala Cynwyd, Philadelphia, and is incorporated in the State of Pennsylvania.

8. Pursuant to 28 U.S.C §§ 1441 and 1446, Philadelphia removes this action to the United States District Court for the Northern District of Oklahoma.

9. As demonstrated herein, there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds this Court's minimum jurisdictional limit, giving this Court original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

10. This Notice of Removal is filed within thirty (30) days following service of this action upon Philadelphia. Removal has thus been timely accomplished.

11. Written notice of the filing of this Notice of Removal will be promptly provided to Plaintiff's counsel via regular mail. Also, a copy of this Notice of Removal will be filed with the clerk of the District Court of Rogers County, State of Oklahoma, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Philadelphia Indemnity Insurance Company, removes this action to this Court, invoking this Court's jurisdiction.

s/ D. Lynn Babb

D. Lynn Babb, (OBA #392)
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of January, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Tulsa, OK 74153
Attorneys for Plaintiff

s/ D. Lynn Babb

D. Lynn Babb